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THE THREE ACTOR RULE IN MENANDER

By KELLEY REES

The discovery of the fragments of five plays of Menander by M. Lefebvre at Aphroditopolis in 1906 has added materially to our knowledge of the New Comedy. While the lacunae in the fragments are sometimes very extensive and make it impossible in many cases to recover with absolute accuracy the details of the plot and to determine with certainty the assignment of the verses to the various characters, yet the remains, especially of the *Epitrepontes* and *Periceiromena*, are sufficient to enable us to settle several mooted questions relative to the history of comic exhibitions in this period and to give us a fair conception of the genius of Menander. For instance, the appearance in the MS of *χοροῦ* proves conclusively, as Körte¹ has pointed out, the employment of the chorus. Wilamowitz² has already called our attention to a situation in the *Periceiromena* where the action seems to demand a fourth actor. After an analysis of the fragments with reference to the rule of three actors, the writer is convinced that the plays of Menander were written and exhibited regardless of any limitation of the number of actors allowed for their production.

The internal evidence for a limitation of performers in the fifth-century tragedies and comedies, because of their inherent structure, might at first seem to be of considerable weight. The choral odes are long; the dialogue progresses slowly, for the most part between two persons; with the exception of the leading persons in the drama the other characters appear, as a rule, only once in the course of the play. It is not strange that a limitation of the number of actors allowed was assigned as the cause of the peculiar characteristics of the classical drama, which we know developed naturally, unrestricted by external or economic causes. In the Menander fragments we find a totally different situation. The chorus is relegated to a comparatively unimportant position. The drama of plot and

¹ *Hermes* XLIII (1908), 299 ff.

² *Neue Jahrb.* XXI (1908), 34 ff.

intrigue requires a livelier action and the intermingling of the characters of the play. The scenes are short and many; the characters go and come frequently. The evolution of the plot demands that almost every character shall be on the scene at one time or another with every other one. The result would necessarily be the splitting of single rôles if there was a limitation placed upon the poet as to the number of actors he might employ. The reasons, therefore, for assuming a limitation of actors in the classical drama, viz., the structure and technique of the plays, are entirely lacking in Menander. There is absolutely no trace or hint in the economy of these fragments of a restriction in the number of available performers.

Assuming for the moment that the rule is not applicable to the New Comedy, let us consider to what extent this fact should lead us to question the existence of such a convention in the classical period. How far the conditions which prevailed in the dramatic exhibitions in the period of Menander may be taken as criteria for supplying the deficiencies of our knowledge about the classical period is a matter which, in the present case, can be argued only in a negative way. We have no positive evidence on the subject; there is no mention in ancient writers of a restriction that was placed upon the poets of the classical period, much less a record of the removal of such a restriction for the writers of New Comedy. No change affecting the state regulations of the festivals at Athens was made in the third or fourth centuries B.C. which would indicate that post-classical poets were more liberally provided with funds than Aristophanes and the classical tragic poets. It is true that the abolition of the choregic system in 318 B.C. was an important change. From this time on for a couple of centuries there was elected annually an *agonothetes* who had supervision of the dramatic contests. The chief burden of the expense also fell upon him (cf. CIA II, 314, *καὶ εἰς ταῦτα πάντα ἐκ τῶν ἰδίων ἀναλώσας πολλὰ χρήματα*), though the state bore a part (cf. CIA II, 1289). Thus two causes existed in the latter period which would have a tendency to render exhibitions less elaborate; viz., the absence of rivalry between the competing choregi, and the fact that one rich citizen had to bear the financial burden formerly borne by a larger number. The needs of the poets were doubtless met by the state in a liberal manner in every pros-

perous period, but it seems that the dramatic writers of the fifth century received a somewhat more liberal patronage. It is, to be sure, not safe to draw conclusions based on the silence of ancient authorities in doubtful matters about which we have no positive statement, but it is reasonable to suppose that, if the archon had increased the number of actors from three—the number assumed to have been allowed in the classical period—to four in the case of the New Comedy, we should have had some mention of so important a change in the history of dramatic production. We must, therefore, interpret the tradition in the light of the New Comedy, also; the rule must stand or fall according as it is applicable to both.

In testing the rule in its application to the Menander fragments I proceed on the assumption that the following principles were observed by the ancients in distributing the rôles among the actors:¹

(1) An actor, if he play two or more rôles, must have enough time to change costume between the departure of the one character and the entrance of the other whose part he is to assume. (2) The same actor must play a given part throughout the drama; it is not permissible for a single rôle to be divided among two or more actors. (3) The doubling of incongruous rôles is to be avoided; male and female rôles, youths and aged persons should not be combined. (4) Finally, the parts assigned to one actor should not be too many or of too miscellaneous a character. Of course the presence of four persons upon the scene at once would prove that more than three actors were necessary. Leaving out such instances, violations of the above principles may be grouped under the following headings: (a) "Lightning" Change of Costume; (b) Split Rôles; (c) Bad Assignment of Parts.

There are two clear cases in the *Periceïromena* of the employment of four speaking actors on the scene at one time.² It is to be observed,

¹ See my dissertation, *The So-called Rule of Three Actors in the Classical Greek Drama* (Chicago, 1908), 42 ff., where these matters are fully discussed.

² Legrand, in his valuable work on the New Comedy which has just appeared (*Daos: tableau de comédie grecque pendant la période dite nouvelle*, Lyon 1910), devotes a chapter (pp. 365 ff.) to "Les infractions à la loi des cinq actes et à la règle des trois acteurs." He finds that in two situations in the *Epîtrepontes* (vss. 153 ff, 662 ff.) and in one in the *Periceïromena* (vss. 882 ff.) a fourth actor must be available. He asserts—wrongly, as I believe—"jamais plus de trois personnages parlant et agissant ne sont en scène à la fois."

however, that even here the Aristotelian and Horatian norm "nec quarta loqui persona laboret" is not altogether disregarded; only in the case of Pataecus does the fourth actor speak in the presence of the other three, while Moschion, at the end of the play (vss. 905 ff.), kept silent until Polemon had retired.¹ The first scene to be considered is found in the Leipzig fragment² (vss. 1 ff.=Capps vss. 344 ff.). From vs. 13=Cairo pap. E=Von L² 217 ff.

SOSIAS, POLEMON, PATAECUS, HABROTONON

Sosias

ἐκέλευεν ἤκει χρήματ' εἰληφώς· ἐμοὶ
πίστευε, προδίδωσίν σε καὶ τὸ στρατόπεδον.

Pataecus

κάθευδ' ἀπελθών, ὦ μακάριε, τὰς μάχας
ταύτας ἐάσας. οὐχ ὑγαίνεις—σοὶ λαλῶ—
5 νῆ τόν, μεθύεις γάρ.

Sosias

ἦττον ὅς πέπωκ' ἴσως
κοτύλης, προειδώς πάντα ταῦθ', ὁ δυστυχής,
τηρῶν τ' ἐμαντὸν εἰς τὸ μέλλον;

(To *Pataecus*) *Polemon*

εὖ λέγεις.

(To *Sosias*)

πείσθητι μοι

Sosias

τί δ' ἐστὶν ὃ κελεύεις ἐμέ;

Polemon

ὀρθῶς ἐρωτᾷς· νῦν ἐγὼ δὴ σοί γ' ἐρῶ.

10 Ἀβρότονον, ἐπισήμενον.

Pataecus

εἴσω τουτονὶ (*Sosias*)

πρῶτον ἀπόπεμψον τοὺς τε παῖδας οὓς ἄγει.

¹ The silence of Moschion, however, is due rather to a dramatic than to an artistic motive.

² Körte "Zwei neue Blätter d. Pere.," *Sitz.-Berichte d. phil. hist. Klass.d. König. Säch. Gesellschaft d. Wissenschaft zu Leipzig* IX (1908), Sitz. 24. The distribution of parts given below is that of Capps's forthcoming edition. See Robert's discussion of this passage *Hermes* XLIV (1909), 260 ff., von Arnim *Zeitschrift f. öst. Gym.* (1909), 1 ff., Sudhaus *Hermes* LXIV (1909), pp. 412 ff., Van Leeuwen *Mnem.* XXXVII (1909), pp. 231 ff., Schmidt *Hermes* LXIV (1909), pp. 403 ff., and the recent editions of Körte and Sudhaus.

Sosias

κακῶς διοικεῖς τὸν πόλεμον · διαλύεται,
δεὸν λαβεῖν κατὰ κράτος

Polemon

οὔτοσί με γάρ,
ὁ Πάταικος, ἐξόλλυσιν;

Sosias

οὐκ ἔσθ' ἡγεμών.

Habrotonon

15 πρὸς τῶν θεῶν, ἄνθρωπ', ἀπελθ'

Sosias

ἀπέρχομαι.

*Exit SOSIAS.**Polemon*

ᾤμην σε ποιήσεν τι · καὶ γὰρ, Ἀβρότονον,
ἔχεις τι πρὸς πολιορκίαν συ χρήσιμον ·
δύνασαι τ' ἀναβαίνειν, περικαθῆσθαι,—ποῖ στρέφει,
λαικαστρι'; ἥσυχνθης; μέλει τούτων τι σοι;

HABROTONON *leaves*. PATAECUS AND POLEMON *remain*. PATAECUS *speaks the next lines*.

The first two lines are assigned by most of the editors to Sosias,¹ the servant of Polemon, and this is undoubtedly correct. Sosias up to this time has been keeping watch over the house of Pataecus where Glycera has taken refuge. Pataecus, a friend of both Polemon and Glycera, has urged Polemon to raise the siege and adopt new tactics in his effort to win back Glycera. Sosias thus is angry at Pataecus for the proposal which involves his withdrawal from the business of standing guard, and accuses him of being in the hire of the enemy. The speaker is, therefore, Sosias, and the subject of ἦκει is Pataecus. "He has come from there (ἐκεῖθεν, i. e., the house of Pataecus represented on the scene) having received (bribe) money. Believe me, he betrays you and the army." The person addressed in vs. 2 (σε) is Polemon, as τὸ στρατόπεδον proves. If Pataecus is present, these two verses imply the presence of three characters, i. e., the speaker (Sosias), the one addressed (Polemon) and the one spoken of (Pataecus).² That Pataecus is present is shown

¹ Schmidt *Hermes* LXIV (1909), 427 ff., assigns these verses to Habrotonon.

² I have simply followed the text of Capps in assigning vs. 7 to Polemon without producing any arguments to show why I think this assignment is correct. It would

(1) by vs. 13 where Polemon says, *οὐτοσί με γάρ ὁ Πάταικος, ἐξόλυσιν*; "What! is Pataecus here working my ruin?" *οὐτοσί* implies the presence of Pataecus upon the scene; (2) we find Pataecus speaking with Polemon at vs. 19 immediately after the exit of Habrotonon. Sosias left the scene at vs. 15. Four verses would not have given the actor of Sosias the time to come back in the character of Pataecus. Besides, the text implies that Pataecus was already present at vs. 19, for there is no reference to his entrance at this point. The fourth speaking character in this scene is Habrotonon, who is addressed in vs. 10 and speaks vs. 15.¹

A second case of four actors on the scene at once is found near the end of the *Periceïromena*. Glycera, Pataecus, and Polemon are together up to vs. 905. At this point the old man Pataecus announces that his son Moschion is to marry the daughter of Philinus (cf. end of Terence *Heaut.*). At this announcement Moschion, who up to this time has been in hiding and listening to the conversation of the other three characters, breaks out with the words *ὦ γῆ καὶ θεοί*. These words are assigned by some of the editors to Glycera, but they are most appropriate in the mouth of Moschion, and were certainly spoken by him. That his presence is not referred to in any way up to this time need cause no difficulty, for he is an eavesdropper by habit and inclination. He overhears from his place of concealment the whole conversation between Pataecus and Glycera in the recognition scene (vss. 646 ff.), and there can be little doubt that, if we had the rest of his speech after vs. 427, we should find that he tells how he overheard a confidential talk had between Myrrhina and Glycera inside the house. Moschion's eaves-dropping on the scene seems to begin with the interview between Glycera and Pataecus in frag. K (vss. 595 ff.); vs. 632 *τάχα δ' εἴσομ'* has the tone of an aside and is plausibly assigned to Moschion.

lead me beyond the limits of this paper to enter into a detailed discussion of the distribution of these lines among the characters. But whatever arrangement of the lines we accept, we are forced, as it seems to me, to assume the presence of four characters upon the scene. I have merely called attention, therefore, to the obvious indications of the presence of Pataecus and Habrotonon upon the scene.

¹ With no knowledge whatever of the rôle which Habrotonon has to play in this or other scenes, it is impossible to know absolutely what verses are to be assigned to her here. But as for her presence on the scene with three others—and that is all we are concerned with—that cannot be disputed.

Two more four-actor scenes are found in the fragments, but these are different from those just discussed in that the fourth character in these particular scenes does not speak, although in other scenes one of the characters has an important speaking part. In *Periceiromena* vs. 62 the mistress of Doris is addressed by Doris, who enters at vs. 61. The mistress is in the house, but probably appears a moment at the door (cf. vs. 34). Agnoia, who goes out at vs. 51, and Sosias, who enters at vs. 52, are the other characters.

The other case where four actors would be required in a like manner occurs in *Periceiromena* vss. 403 ff. Just as Polemon and Pataecus are disappearing into the house, Moschion appears upon the scene. A few lines below he catches sight of Sosias skulking in the distance and addresses him at vs. 408.

"LIGHTNING" CHANGE OF DRESS

Epitrepontes.—Davus departs for the country at vs. 159, leaving Syrus upon the scene. Onesimus appears at vs. 165. Smicrines could not come on again in the character of Onesimus, for Smicrines and Onesimus are on the scene together several times in the play. The impersonator of Davus, who left the scene at vs. 159, would thus have to reappear at vs. 165 in the character of Onesimus. Six verses would be too short a time for the change, especially in case the departing actor, as Davus here, leaves the scene by one of the parodoi.

Periceiromena.—In the last scene four characters are upon the scene within the space of four verses. Doris departs from the scene at vs. 886. Pataecus, Glycera, and Polemon are together at vs. 891. The actor of Doris would not have time to come on in the character of any one of these three persons. But Doris could have come back in vs. 905 as Moschion.

Samia.—Demeas, Parmenon, and the Cook are present at vs. 71. In the next scene Demeas, Parmenon, and Chrysis take part in the action. Chrysis puts her head out at vs. 89, and, although she does not speak in this scene, yet she must be regarded as a speaking character. In the preceding scene the Cook departed at vs. 83. With only three actors, the same actor would have to take the parts of both the Cook and Chrysis. But the six verses

between the exit of the Cook and entrance of Chrysis allow too short a time for the actor to retire, change dress, and reappear.

In the comic fragments from Ghôran¹ we find a scene where four actors seem to be necessary, unless we assume a quick change of dress. Phaedimus and a servant are present vs. 84. There is no indication in the fragmentary text at this point that they leave the scene immediately. Now, in vs. 99 we find a father in animated conversation with another person in the presence of his daughter. We may fairly assume a lapse of eight or ten verses at most between the departure of the characters on the scene at vs. 84 and the entrance of those whom we find already present at vs. 99. But this is a doubtful case and one that is scarcely susceptible of proof.

SPLIT RÔLES

In the following table are collected all those cases where single rôles must be divided among two or more actors *unless a fourth actor is used*. The characters in *italics* are those whose parts must be divided as shown in the diagram. The actors are designated by the numbers I, II, and III without implying anything as to their relative rank; the dash indicates that the character above is not on the scene.

Epîtrepontes.—The rôle of Syrisus must be played by two different actors as indicated in the table. In the arbitration scene Syrisus, Davus, and Smicrines are present. Let actor I take the part of Syrisus, II, Smicrines, and III, Davus. Onesimus and Davus (actor III) are together in the first scene. At any rate, different actors are required for the two parts, since they are almost simultaneously upon the scene (cf. vss. 160, 165). Smicrines (actor II) and Onesimus engage in the dialogue together in several scenes (cf. vss. 903 and 866). The part of Onesimus, therefore, must be taken by actor I, since neither II nor III is available. But Syrisus and Onesimus are together vss. 166 and 225. If, then, we assign the part of Onesimus to actor I, the part of Syrisus, which was taken in the arbitration scene by actor I, would have to be assigned in this scene to II or III.

¹ Körte *Hermes* (1908), 44 ff.

PLAY	ACTOR I	ACTOR II	ACTOR III
<i>Epitrepontes</i> :*			
Act I, Sc. 1.....	Onesimus		Davus
Act I, Sc. 3.....	"	Smicrines	—
5-165.....	<i>Syriscus</i>	"	Davus
225-46.....	Onesimus	<i>Syriscus</i>	Habrotonon
392 ff.....	<i>Charisius</i>	Smicrines	Cook
Act III, Sc. 8.....	Onesimus	"	Chaerestratus
Act IV, Sc. 2.....	"	—	Cook
Act IV, Sc. 4.....	Smicrines		Chaerestratus
638 ff.....	—	<i>Sophrona</i>	Habrotonon
736 ".....	Onesimus	<i>Charisius</i>	"
903 ".....	"	Smicrines	<i>Sophrona</i>
<i>Periceitromena</i> :			
891 ff.....	Polemon	<i>Pataecus</i>	Glycera
246 ".....	"	Davus	Sosias
403 ".....	"	<i>Pataecus</i>	<i>Moschion</i>
646 ".....	<i>Moschion</i>	"	Glycera
232 ".....	"	Davus	Sosias
631 ".....	<i>Doris</i>	<i>Pataecus</i>	Glycera
344 ".....	Polemon	Habrotonon	Sosias
359 ".....	"	"	<i>Pataecus</i>
857 ".....	"	<i>Doris</i>	—
61 ".....	Agnoia	<i>Doris</i>	Sosias
140 ".....	<i>Doris</i>	Davus	—
<i>Samia</i> :			
70.....	Demeas	Parmenon	Cook
88.....	"	"	<i>Chrysis</i>
145.....	"	—	Cook (exit v.156)
157.....	"	<i>Chrysis</i>	—
187.....	—	"	Niceratus
375.....	Demeas	Niceratus	—
384.....	"	"	—
396.....	"	<i>Chrysis</i>	Niceratus
444.....	<i>Moschion</i>	—	—
469.....	"	Parmenon	—

*The presence of Onesimus and Davus in the prologue is based upon inferences drawn from subsequent action and is hypothetical. The same is also true of the reconstructed scenes of Act III and Act IV.

The same device must be resorted with the part of Charisius. As we have seen, Onesimus and Smicrines must be played by separate actors: actor II takes the part of Smicrines throughout, actor I the part of Onesimus. Smicrines and the Cook are together at vs. 392, and it is almost certain that there was a scene, which Capps places near the beginning of the fourth act, in which Onesimus and the Cook are on the scene at the same time. Actor III would thus play the part of the Cook. Smicrines (actor II), and the Cook (actor III) are present at vs. 392. Actor I would have to play Charisius. But

Onesimus, whose part throughout the play has been taken by actor I, is on the scene with Charisius and Habrotonon at vs. 736. The part of Charisius in this scene, therefore, would have to be taken by actor II, thus dividing the part between two actors.

The part of Sophrona is taken by actor II at vs. 638, but in the last scene it must be taken by actor III. The situation is as follows: Habrotonon, whose part is played elsewhere by actor III, is present with Sophrona at vs. 638. Onesimus enters immediately after the departure of Sophrona and Habrotonon. Actor I had played the part of Onesimus elsewhere. Hence actor II would assume the part of Sophrona. But in the last scene Sophrona is on the scene with Onesimus (actor I) and Smicrines (actor II). The part of Sophrona, which was taken by actor II at vs. 638, must, therefore, be played by actor III here.

Periceïromena.—The part of Moschion cannot be played by the same actor throughout. At vs. 403 he is on the scene immediately after the retirement of Polemon and Pataecus. At vs. 891 Polemon, Pataecus, and Glycera speak together. Moschion also is in hiding during the recognition between Pataecus and Glycera, vss. 585 ff., and speaks with Glycera the moment after Pataecus departs at vs. 704. Hence the actor who had formerly taken Polemon's part would assume the part of Moschion here. In the scene (vs. 403), therefore, where Moschion enters just as Polemon and Pataecus are retiring, a different actor must play the rôle of Moschion, if we assume that the same actor took Polemon's part throughout (see table above, p. 299).

The rôles of Pataecus and Doris must also be split. Polemon, Sosias, and Habrotonon are present, vs. 344 ff. Actor I has played Polemon throughout and actor III Sosias. Actor II would thus play Habrotonon. In the next scene Pataecus and Polemon are present immediately after the departure of Habrotonon. Actor II, who has just been present in the person of Habrotonon, has been taking Pataecus' part elsewhere, but in this scene actor III is the only available actor, thus making it necessary to divide the rôle of Pataecus between actors II and III (see table above). The part of Doris at vs. 631 is taken by actor I, since she is present with Pataecus and Glycera (see table). In another scene (vs. 857) the

part must be played by actor II, since Polemon (actor I) is on the scene with her, and since she and Sosias (actor III) are on the scene together at vs. 61.

Samia.—At vss. 70 ff. Demeas (I), Parmenon (II), and the Cook (III) are present. In the following scene Chrysis is at the door, Demeas (I) and Parmenon (II) present. Actor III thus takes the part of Chrysis. The Cook (III) and Demeas (I) are together at vs. 145. Exit the Cook, vs. 156. At vs. 157 Chrysis enters and takes part in the dialogue with Demeas (I). There is no time at all for a change of costumes between the departure of the Cook and the entrance of Chrysis, since the latter is present immediately after the exit of the former. The rôle of Chrysis, therefore, which at vs. 88 had been taken by actor III, must be played in this scene by actor II, thus dividing the part between actors II and III.

BAD ASSIGNMENT OF RÔLES

That the ancients, in the distribution of the rôles among the several actors, took much pains to assign only such parts to particular actors as were suitable to the peculiar excellence of each is an assumption which we may accept as pretty well established.¹ With only three actors the following objectionable doubling of rôles results. Note that in each instance the same actor has to take both male and female rôles, young and old persons, and in several cases the parts are of a very miscellaneous kind. In the *Epitrepontes*, actor II plays Smicrines (an old man), vss. 638 ff.; Sophrona (nurse of Pamphila), vss. 736 ff.; Charisius (son of Chaerestratus), vss. 225 ff.; Syriscus (servant of Charisius); actor III takes Davus (shepherd), Habrotonon (flute girl), Chaerestratus (old man, father of Charisius), the Cook, vss. 904 ff.; Sophrona (nurse of Pamphila). Actor I in the *Periceïromena* plays Polemon (Corinthian captain), vss. 232 and 701 ff.; Moschion (son of Pataecus), vss. 140 ff. and 631 ff.; Doris (servant of Glycera); actor II, Pataecus (old man, father of Glycera), vss. 701 ff. and 631 ff., Davus (servant of Myrrhina), Habrotonon (hetaera), vss. 61 ff. and 140 ff., Doris (servant of Glycera); actor III plays the parts of Glycera (daughter of Pataecus), Sosias (servant of Polemon), Moschion (son of Pataecus),

¹ See *Rule of Three Actors*, 53 ff.

vss. 403 ff., Pataecus (old man, father of Moschion and Glycera), vss. 359 ff. One actor has to take the rôles of Demeas and his son Moschion in the *Samia*; another the Cook, Chrysis (the Samian hetaera), and the old man Niceratus.

The results of our investigation may be thus summarized: (1) There are four scenes in which four speaking characters are present at the same time. In two of these scenes the fourth character speaks either in the presence of the other three or immediately after the exit of one of these; in the two other scenes the fourth character, who elsewhere has a speaking part, is present as a mute. (2) Four instances occur where, if the poet had only three speaking actors at his disposal, the actor would not have enough time to change dress between the exit of one character and the entrance of the next which he is to impersonate. (3) The three-actor distribution would necessitate the splitting of six rôles between two or more actors. In the *Epitrepontes* alone, three rôles would have to be divided; in the *Periceïromena* two, and in the *Samia* one. (4) Nearly every actor is forced to carry a combination of rôles which are quite unsuitable for one actor. Such are the facts that are revealed in our fragments. There is little doubt that, were the remains of the plays more complete, still greater difficulties would be encountered in the attempt to distribute the parts among three actors.

It is not to be inferred from the above arguments, nor is it the writer's thesis, that Greek plays were never presented with three actors.¹ There might have been plays which were actually produced with that number. But the two important facts to be remembered are: (1) That there is no external evidence to show that dramatic poets at Athens either in the classical or post-classical period did restrict themselves to that number; (2) the economy of the Menander fragments and of the classical dramas does not reveal the influence of such a restrictive law.

YALE COLLEGE

¹Weissmann in his review of my dissertation on the "Rule" (*N. phil. Rundschau* [1908] pp. 460 ff.) would find evidence for the existence of the rule in the mere fact that about three-fourths of the extant dramas *could* be produced with three performers. But should not even one certain exception, and there are, in fact, many exceptions, in the absence of all positive evidence, be sufficient to discredit the rule?